

TREMONT ZONING ORDINANCE

Approved March 8, 1988
Amended May 9, 1989, May 15, 1990
May 12, 1992, May 11, 1993
May 10, 1994, May 9, 1995
January 30, 1996, May 14, 1996
May 13, 1997, May 12, 1998
May 15, 2001, May 14, 2002
March 17, 2003 and May 11, 2004

TABLE OF CONTENTS

SECTION I. AUTHORITY, APPLICABILITY AND ADMINISTRATION	1
A. Authority	1
B. Applicability	1
C. Administration	1
SECTION II. PURPOSE	2
SECTION III. ZONES DISTRICTS AND THE ZONING MAP	2
A. Definition	2
B. Map	3
C. Interpretation	3
D. District Zone Criteria	3
1. Residential-Business Zone (R-B Zone)	3
2. Residential Zone	3
3. Harbor Shoreland Zone	3
4. Commercial Fishery/Maritime Activity Shoreland District Zone	4
5. Limited Residential Shoreland Zone	4
6. Resource Protection Shoreland Zone	4
7. Island Protection Zone	4
8. Rural Residential Zone	4
SECTION IV. STANDARDS FOR THE ZONE	4
A. General Zone Standards	4
1. Structures	4
2. Lots	5
B. Residential-Business Zone (R-B Zone)	6
C. Residential Zone	6
D. Harbor Shoreland Zone	7
E. Commercial Fishery/Maritime Activity Shoreland Zone	8
F. Limited Residential Shoreland Zone	9
G. Resource Protection Shoreland Zone	9
H. Island Protection Zone	10
I. Rural Residential Zone	11
SECTION V. OTHER LAND USE ACTIVITIES AND THEIR STANDARDS	11
A. Agriculture	11
B. Archeological and Historic Sites	12
C. Bed and Breakfast	12
D. Campgrounds	12
E. Campsites (Individual Private)	13
F. Commercial and Industrial Uses (PROHIBITED)	13
G. Essential Services	14
H. Home Occupation	14
I. Hotel, Motel, Motel, Cabins, Cottages, etc.	14
J. Marina Development	14
K. Maritime Activities not Located on Land	15
L. Mineral Exploration and Extraction	15
M. Mobile Home Park	16
N. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the NHL of a Water Body or Within a Wetland	16
O. Pond, Manmade	17
P. Timber Harvesting	17

Q. Business Uses	18
SECTION VI. PERFORMANCE STANDARDS	19
A. Buffering Standards	19
B. Clearing of Vegetation for Development Standards	20
C. Cluster Development Standards	21
D. Erosion and Sedimentation Control Standards	23
E. Fill and Excavation Standards	23
F. Fire Protection Standards	24
G. Flood Hazard Area Standards	24
H. Parking Standards	24
I. Roads, Driveways and Driveway Openings Standards	26
J. Septic Waste Disposal Standards	28
K. Sign Standards	28
L. Soil Standards	29
M. Storm Water Runoff Standards	29
N. Water Quality Protection Standards	30
O. Lake Watershed Phosphorous Protection	30
SECTION VII. NON-CONFORMANCE	31
A. Purpose	31
B. General	31
C. Non-conforming Structures	31
1. Expansions	31
2. Relocation	32
3. Reconstruction or Replacement	32
4. Change of Use of a Non-conforming Structure	33
D. Non-conforming Uses	33
1. Expansions	33
2. Resumption Prohibited	33
3. Change of Use	34
E. Non-conforming Lots	34
1. Vacant Lots	34
2. Built Lots	34
3. Contiguous Built Lots	34
4. Contiguous Lots - Vacant or Partially Built	34
SECTION VIII. PERMIT APPLICATION AND REVIEW PROCEDURE	35
A. Permit Applicability	35
B. Review Authority	35
1. The Code Enforcement Officer	35
2. The Planning Board	35
C. Plumbing Permit Required Prior to Building Permit	35
D. Permit Application Submission Procedure	36
E. Permit Application Review Criteria	37
F. Modification and/or Amendment to an Approved Permit	38
G. Fees	38
H. Issuance of the Building Permit and the Life of the Permit	39
SECTION IX. APPEALS	39
A. Board of Appeals Ordinance	39
B. The Board of Appeals	39
1. Administrative Appeal	39
2. Variance Appeal	39

SECTION X. ENFORCEMENT	40
A. Nuisances	40
B. Code Enforcement Officer	40
C. Legal Actions	40
SECTION XI DEFINITIONS	41

TREMONT ZONING ORDINANCE

SECTION I. AUTHORITY, APPLICABILITY AND ADMINISTRATION.

A. AUTHORITY

1. This Ordinance shall be known and may be cited as "The Tremont Zoning Ordinance."
2. This Ordinance is adopted pursuant to the provisions of Title 30-A, MRSA, Section 3001, Home Rule.
3. The standards in this Ordinance have been prepared in accordance with the provisions of Title 38, MRSA, Sections 435-449, Mandatory Shoreland Zoning Act and Title 30-A, MRSA, Sections 4351-4352, Land Use Regulations.
4. This Ordinance shall be administered by the Planning Board and the Code Enforcement Officer of the Town of Tremont.

B. APPLICABILITY

This Ordinance applies to all land areas within the Town of Tremont. This Ordinance also applies to any structure extending beyond the Normal High Water Line (NHL) of a water body or within a wetland and to any structure built on, over or abutting a dock, wharf or pier.

C. ADMINISTRATION

1. Effective Date.

The effective date of this Ordinance is March 3, 1988, or as subsequently amended thereafter. A certified copy of this Ordinance is filed with the Town Clerk and is accessible to any member of the public. Copies are available for reference and may be purchased at the Town Office for a fee determined by the Board of Selectmen.

2. Amendment

- a. This Ordinance may be amended by a majority vote of the legislative body present at a regular or special town meeting.
- b. The amendments shall be reported to the Commissioner of DEP within 45 days of the Town Meeting approval. If the Commissioner fails to act on any amendment within 45 days of receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within this period shall be governed by the terms of the amendment, if such amendment is subsequently approved.

3. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

4. Inconsistency

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

5. Any costs incurred by the Town in excess of \$1,000 in its effort to interpret information submitted for the approval of an application, including requests for legal opinions pertaining to the application, shall be borne by the applicant.

SECTION II. PURPOSE

This Ordinance is an important tool for directing the future growth of the Town of Tremont. It encourages orderly growth in appropriate areas while working to preserve the rural character of the Town. It assures local control and promotes the values and concerns of the community as expressed in the Comprehensive Plan.

The purposes of this Ordinance are:

1. to protect the health, safety and welfare of the community;
2. to encourage orderly growth and development by establishing Land Use Standards now that promote an economic climate which increases job opportunities and overall well-being;
3. to encourage growth in accordance with the Comprehensive Plan so that the essential character of each neighborhood is maintained;
4. to promote shoreline management that gives preference in specific zones to water dependent uses over other uses while preserving the community's access to the water;
5. to protect commercial fishing and maritime activities by giving preference to those activities in specific zones;
6. to prevent and control possible air, water and soil pollution;
7. to protect shore cover, freshwater and coastal wetlands;
8. to protect existing and potential fish spawning grounds, aquatic life, bird and other wildlife habitat;
9. to protect archaeological and historic resources;
10. to conserve natural beauty, open space and scenic vistas and
11. to protect fragile island environments.

SECTION III. ZONES AND THE ZONING MAP

A. DEFINITION

The areas to which this Ordinance is applicable are hereby divided into the following zones as shown on the Official Zoning Map:

1. Residential-Business Zone

2. Residential Zone
3. Harbor Shoreland Zone
4. Commercial Fishery/Maritime Activity Shoreland Zone
5. Limited Residential Shoreland Zone
6. Resource Protection Shoreland Zone
7. Island Protection Zone
8. Rural Residential Zone

The Official Zoning Map, and all future amendments thereto, is hereby made part of and incorporated into this Ordinance.

The depictions of districts on this map are merely illustrations of their locations. These districts shall be determined from distances measured on the ground, from the "Normal Highwater Line" of a waterbody or the upland edge of a wetland.

B. MAP

1. The Official Zoning Map is drawn at a scale of 1"=1000'. Zone boundaries are clearly delineated and a legend indicating the symbols for each zone is on the map.
2. The Official Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.
3. If amendments, in accordance with Section I.C.2. above, are made in the zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

C. INTERPRETATION

Unless otherwise set forth on the Official Zoning Map, zone boundary lines are property lines, the centerlines of streets, roads and rights-of-way. Where uncertainty exists as to the exact location of zone boundary lines, the Board of Appeals shall be the final authority as to location. (See Appendix for a specific description by Assessor's Map & Lot number for each zone.)

D. ZONE CRITERIA

1. Residential-Business Zone (R-B Zone)

Areas not within 250' of the shore, which are predominantly residential, but may contain some maritime related commercial and industrial activity and other commercial activity.

2. Residential Zone

Areas not within 250' of the shore which are devoted primarily to residential use or are suitable for residential development. These areas contain some multi-family development and home occupations.

3. Harbor Shoreland Zone

Areas where the existing predominant pattern is a mixture of maritime and non-maritime uses and commercial and residential uses.

4. Commercial Fishery/Maritime Activity Shoreland Zone (CFMA Zone)

Areas where the existing predominant pattern of development is commercial fishing and other maritime activities and contains areas which are suitable for functionally water-dependent uses.

5. Limited Residential Shoreland Zone

Areas on tidal and fresh water where the existing pattern of development is low density residential with some home occupation.

6. Resource Protection Shoreland Zone

Areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This zone shall include salt marshes and salt meadows, 100-year flood plains adjacent to great ponds and areas of two or more acres with sustained slopes of 20% or greater.

7. Island Protection Zone

Island Areas not within 250' of the shore which are devoted primarily to residential use or are suitable for low density residential development.

8. Rural Residential Zone

Areas not within 250' of the shore which are devoted primarily to residential use or are suitable for residential development. These areas contain some multi-family development and home occupations.

SECTION IV. STANDARDS FOR THE ZONE

A. GENERAL ZONE STANDARDS

1. Structures

a. **Definition** - For the purposes of this Ordinance, the term structure is defined as anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite disks but excludes paving, signs and flagpoles. Incidental structures, with a footprint of 24 square feet or less not exceeding 4 feet in height, such as residential lawn furniture, picnic tables, bird feeders and water wells are not considered as structures under this definition provided they do not have substantial volume or visual impact.

b. **Commercial towers** shall be restricted to a height of 100'.

c. **Water Setbacks**

(1) All setback measurements from the normal high-water line (NHL) of any water body, stream or the upland edge of a wetland are horizontal distances.

(2) The water body or wetland setback provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.

- (3) Stairways or similar structures may be allowed with a permit from the Planning Board to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of 4' in width; that the structure does not extend below or over the NHL of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- d. **Lotline Setbacks** - Lotline setbacks shall be measured perpendicular to the side, rear or front lot lines.
- e. **Principal Unit or Use** - If more than one principal residential dwelling unit or principal commercial or industrial structure is constructed or placed on a single parcel, all dimensional requirements shall be met for each additional principal dwelling unit or principal structure.

EXCEPTIONS:

- (1) This does not refer to multi-unit residential development whose dimensional requirements are specified within the structure standards of each zone.
- (2) One residential dwelling unit is permitted in the Harbor Shoreland and the Commercial Fishery/Maritime Activity Zones as an accessory use to a principal commercial use. This is only to be used by the employer or employees of the commercial use. The applicant must demonstrate with clear and convincing evidence that the state subsurface wastewater laws will be satisfied.
- f. **Flood Hazard** - The first floor elevation or openings of all buildings and structures including basements shall be elevated at least 1' above the elevation of the 100-year flood. (See Tremont Floodplain Management Ordinance.)

2. **Lots**

- a. **Lot Coverage** - Within 250' of the NHL, the calculation of lot coverage shall include all non-vegetated surfaces in addition to buildings.
- b. **Lot Area** - Land below the NHL of a water body and land beneath roads serving more than 2 lots shall not be included toward calculating minimum lot area for lots created since May, 1992.
- c. **Separate Lots** - Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- d. **Lot Access** - No lot can be developed unless it has driveway or road access as defined in this Ordinance.
- e. **Shore Frontage** - Minimum shore frontage shall be measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.
- f. **Division** - No lot shall be divided as to make a substandard lot.

B. RESIDENTIAL-BUSINESS ZONE (R-B ZONE)

The purpose of the Residential-Business Zone is to preserve the integrity of the residential uses while allowing for maritime related and light commercial activity which are compatible with the physical capability of the land.

1. Land Use Standards

All uses are permitted subject to the Lot, Structure, Performance and Conversion Standards.

2. Lot Standards

Lot area:

- a. Minimum: 40,000 sq.ft. per lot and per residential dwelling unit or principal non-residential structure
- b. Multi-unit residential:
 - (1) 40,000 sq.ft. for first unit
 - (2) 20,000 sq.ft. for each additional unit

3. Structure Standards

a. **Setbacks** (minimum):

- 1) Lot Lines: 15' for residential principal and accessory structures
25' for non-residential principal and accessory structures
- 2) 75' from water bodies or the upland edge of a wetland
- 3) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained)

- b. **Height:** 40' maximum. Whenever physically possible, buildings taller than 25' should be positioned so as to minimize visual impact and protect residential views.

- c. **Lot coverage:** 25% maximum

- d. **Building Size:** Non-maritime related uses not to exceed 5000 square feet.

4. Conversion Standards

- a. Structures that existed on May 9, 1994 in their current form may convert to any use permitted by this section without regard to lot line setback requirements provided the buffering standards are met.
- b. Structures built or rebuilt after May 9, 1994 may convert to any use permitted in this zone provided that the structure complies with all the standards for the new use.

C. RESIDENTIAL ZONE

1. Land Use Standards

The following uses are allowed:

- a. All multi-unit residential use and its accessory uses, subject to the Lot, Structure and Performance Standards.
- b. Governmental and institutional use.
- c. No commercial or industrial activity is permitted, unless it satisfies the home occupation definition.

2. Lot Standards

- a. **Lot area:**
 - (1) Minimum: 40,000 sq.ft. per lot and per residential dwelling unit or institutional or governmental principal structure.
 - (2) Multi-unit residential:
 - (a) 40,000 sq.ft. minimum for first unit
 - (b) 20,000 sq.ft. for each additional unit
 - b. **Shore frontage:** 150' minimum per lot and per residential dwelling unit or institutional or governmental principal structure located within 250' of the normal high water line of any water body or edge of a wetland.
3. Structure Standards
- a. **Setbacks** (minimum):
 - 1) 15' from lot lines
 - 2) 75' from the normal high-water line of water bodies or the upland edge of a wetland
 - 3) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained).
 - b. **Height:** 40' maximum
 - c. **Lot coverage:** 20% maximum

D. HARBOR SHORELAND ZONE

1. Land Use Standards - The following uses are permitted subject to Lot, Structure and Performance Standards.
 - a. single-family residential use and its accessory uses (no multi-unit residential use is permitted);
 - b. all maritime commercial uses;
 - c. non-maritime commercial uses (excluding transient accommodations) up to a total of 3000 sq.ft. in total building area; and
 - d. marinas with up to 550 linear feet of slip/dock space.
 - e. one residential unit is permitted as an accessory use to a principal commercial use . This is only to be used by the employer or employees of the commercial use. The applicant must demonstrate with clear and convincing evidence that the State subsurface wastewater laws will be satisfied.
2. Lot Standards
 - a. **Lot area:** Minimum 40,000 sq.ft. per lot and per residential dwelling unit or principal non-residential structure.
EXCEPTION: No minimum for maritime commercial uses.
 - b. **Shore frontage:** 150' minimum per lot and per residential dwelling unit or principal non-residential structure located within 250' of the normal high-water line of any water body or edge of a wetland.
EXCEPTION: No minimum for maritime commercial uses.

3. Structure Standards

a. **Setbacks** (minimum):

- 1) 15' from lot lines
- 2) Residential: 75' from the normal high-water line of a waterbody.
Non-residential: 25' from the normal high-water line of a waterbody.
EXCEPTION: No setback minimum for maritime commercial uses
- 3) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained.)

b. **Height:** 35' maximum.

c. **Lot coverage:** 70% maximum (includes non-vegetated surfaces).

E. **COMMERCIAL FISHERY/MARITIME ACTIVITY SHORELAND ZONE**

1. Land Use Standards

a. The following uses are permitted subject to Lot, Structure and Performance Standards:

- 1) all maritime commercial uses;
- 2) non-maritime limited commercial use up to a total of 2000 sq. ft. in total building area provided it is a non-residential accessory use to an existing maritime commercial use for as long as the principal maritime use continues to operate.
- 3) all maritime water-dependent industry;
- 4) marinas with up to 550 linear feet of slip/dock space;

b. New residential use is not permitted.

EXCEPTION: one residential dwelling unit is permitted as an accessory use to a commercial use. This is only to be used by the employer or employees of the commercial use. The applicant must demonstrate with clear and convincing evidence that the State subsurface wastewater laws will be satisfied.

2. Lot Standards

a. **Lot area:**

- 1) Residential: 40,000 sq.ft. minimum per lot and per residential dwelling unit or principal non-residential structure.
- 2) Non-Residential: no minimum

b. **Shore frontage:**

- 1) Residential: 150' minimum per lot and per residential dwelling unit or principal non-residential structure located within 250' of the normal high-water line of any water body or edge of a wetland.
- 2) Non-Residential: no minimum

3. Structure Standards

a. **Setbacks** (minimum):

- 1) 15' from lot lines
- 2) Residential - 75' from the normal high-water of a water body
Non-Residential - None from the normal high-water line of a water body

- b. **Height:** 35' maximum
- c. **Lot coverage:** 70% maximum (includes non-vegetated surfaces).

F. LIMITED RESIDENTIAL SHORELAND ZONE

1. Land Use Standards

- a. Single family residential use and its accessory uses are the only permitted uses subject to Lot, Structure and Performance Standards.
- b. No commercial, industrial, governmental or institutional activity is permitted, unless it satisfies the home occupation definition.

2. Lot Standards

- a. **Lot area** per lot and per residential dwelling unit or principal non-residential structure.
 - 1) Basic minimum 40,000 sq.ft.
 - 2) Multi-unit residential (non-conforming expansion):
 - (a) 40,000 sq.ft. minimum for first unit
 - (b) 20,000 sq.ft. for each additional unit
- b. **Shore frontage:** 150' minimum per lot and per residential dwelling unit or principal non-residential structure located within 250' of the normal high-water line of any water body or edge of a wetland.

3. Structure Standards

- a. **Setbacks** (minimum):
 - 1) 15' from lot lines
 - 2) 75' from the normal high-water line of water bodies or the upland edge of a wetland
 - 3) 100' from the normal high-water line of any great pond.
 - 4) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained.)
- b. **Height:** 35' maximum
- c. **Lot coverage:** 20% maximum (non-vegetated surfaces)

G. RESOURCE PROTECTION SHORELAND ZONE

1. Land Use Standards

- a. The following uses are permitted subject to Lot, Structure and Performance Standards:

small non-residential structures or facilities for educational, scientific or nature interpretation purposes.
- b. The following uses are not permitted
 - 1) residential, commercial, industrial, governmental and institutional development;
 - 2) private sewage disposal systems; and
 - 3) road, driveway and parking areas.

2. Lot Standards

- a. **Lot area:** 2 acres minimum
- b. **Shore frontage:** 250' minimum

3. Structure Standards

- a. **Set backs** (minimum):
 - 1) 25' from lot lines
 - 2) 75' from the normal high-water line of a salt water body or the upland edge of a wetland
 - 3) 100' from the normal high-water line of a great pond
 - 4) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained)
- b. **Height:** 20' maximum
- c. **Lot coverage:** 5% maximum (includes non-vegetated surfaces).

H. ISLAND PROTECTION ZONE

1. Land Use Standards

The following uses are allowed:

- a. single-family residential use and its accessory uses, subject to the Lot, Structure and Performance Standards.
- b. Governmental and institutional use.
- c. No commercial or industrial activity is permitted, unless it satisfies the home occupation definition.

2. Lot Standards

- a. Lot area per lot and per residential dwelling unit or principal non-residential structure.
 - 1) Basic minimum 40,000 sq.ft.

3. Structure Standards

- a. Setbacks (minimum):
 - 1) 15' from lot lines
 - 2) Residential and other permitted uses:
 - 75' from the normal high-water line of water bodies or the upland edge of a wetland. If adjacent to an intermittent stream, the setback shall be 25 feet.
 - 3) If sustained slopes exceed 20%, a 100 foot setback shall be maintained from a water body or upland edge of a wetland.
- b. Height: 35' maximum
- c. Lot coverage: 20% maximum (includes non-vegetated surfaces)

I. RURAL RESIDENTIAL ZONE

1. Land Use Standards

The following uses are allowed:

- a. All multi-unit residential use and its accessory uses, subject to the Lot, Structure and Performance Standards.
- b. Governmental and institutional use.
- c. No commercial or industrial activity is permitted, unless it satisfies the home occupation definition.

2. Lot Standards

- a. Lot area:
 - (1) Minimum: 40,000 sq.ft. per lot and per residential dwelling unit or institutional or governmental principal structure.
 - (2) Multi-unit residential:
 - (a) 40,000 sq.ft. minimum for first unit
 - (b) 20,000 sq.ft. for each additional unit
- b. Shore frontage: 150' minimum per lot and per residential dwelling unit or institutional or governmental principal structure located within 250' of the normal high water line of any water body or edge of a wetland.

3. Structure Standards

- a. Setbacks (minimum):
 - 1) 15' from lot lines
 - 2) 75' from the normal high-water line of water bodies or the upland edge of a wetland
 - 3) 25' from the normal high-water line of an intermittent stream and 75' from a perennial stream (if sustained slopes exceed 20%, a 100' setback of undisturbed vegetation shall be maintained).
- b. Height: 40' maximum
- c. Lot coverage: 20% maximum

SECTION V. OTHER LAND USE ACTIVITIES AND THEIR STANDARDS

A. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land" published by the University of Maine and the Maine Soil and Water Conservation Commission, in July 1972 [or subsequent revisions thereof.]
2. Manure shall not be stored or stockpiled within 100' of water bodies, streams or wetlands. Within 5 years of the effective date of this Ordinance, all manure storage areas within the Shoreland Zones must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm

water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above 5-year period.

3. Agricultural activities involving tillage of soil greater than 40,000 sq.ft. in surface area, or the spreading, disposal or storage of manure within the Shoreland Zones shall require a soil and water conservation plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no tilling of soil within 100' of the normal high-water line of any water bodies and 25' of streams and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within 100' of the normal high-water line of water bodies; nor within 25' of streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a soil and water conservation plan.

B. Archeological and Historic Sites

1. Tremont has 21 prehistoric archeological sites (mapped in the Town Office) and 2 listed historic buildings (Bass Harbor Head Light Station and the Dix Family Stable).
2. Any proposed land use activity involving structural development or soil disturbance on or adjacent to these sites shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the Planning Board.
3. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

C. Bed and Breakfast

1. As a home occupation, it can have no more than 4 bedrooms devoted to lodging purposes.
2. If more than 4 bedrooms are used for lodging, the use is commercial.

D. Campgrounds

1. Camping areas shall contain a minimum of 5,000 sq.ft. of suitable land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. Campgrounds must conform to the minimum requirements imposed under State licensing procedures. The Planning Board's approval is conditional on the State license approval.
3. The areas intended for placement of the a recreational vehicle, tent, or shelter, and utility and service buildings, shall be set back a minimum of 100' from the normal high-water line of any water body, stream or the upland edge of a wetland.
4. A recreational vehicle or a site for a recreational vehicle may not be rented, leased or occupied for more than 2 weeks consecutively from November 1st through May 1st unless the recreational vehicle is connected to permanent sewage, water, electricity and heat that will meet State and local codes. During

this period, renewal of any occupancy in the campground may not occur unless there is at least one week non-occupancy.

E. Campsites (Individual Private)

1. The following conditions must be met:
 - a. One campsite per lot is permitted.
 - b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100' from the normal high-water line of water bodies, streams or the upland edge of a wetland.
 - c. Recreational vehicles shall not be located on any type of permanent foundation, and no structure(s) except canopies shall be attached to the recreational vehicle.
 - d. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Licensed Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
 - e. When a recreational vehicle, tent or similar shelter is occupied on-site for more than 90 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses (PROHIBITED)

The following new commercial and industrial uses are prohibited within 250' of the normal high-water line on lots adjacent to great ponds, streams or salt water bodies:

- a. Auto washing facilities;
- b. Auto or other vehicle service and/or repair operations, including body shops;
- c. Chemical and bacteriological laboratories;
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms;
- e. Commercial painting, wood preserving and furniture stripping;
- f. Dry cleaning establishments;
- g. Electronic circuit assembly;
- h. Laundromats, unless connected to a sanitary sewer;
- i. Metal plating, finishing or polishing;
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
- k. Photographic processing; and
- l. Printing.

G. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors and shall be located so as to minimize any adverse impacts to the health, safety and welfare of the community.
2. The installation of essential services is not permitted in a Resource Protection Zone or within 75' of a stream, except to provide services to a permitted use within said zone, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

H. Home Occupation

The purpose of the Home Occupation provision is to permit those businesses which are compatible with the Residential Zone in which they are allowed. Home Occupations are limited to those uses which may be conducted within a residential structure or on the property without substantially changing the appearance or condition of the residence or property.

1. A home occupation is carried on by a member of the family residing on the property and has no more than two additional employees.
2. Home occupations shall be clearly incidental and secondary to the use of the property for dwelling purposes and does not change the essential residential character of such property.
3. A home occupation shall not create noise, dust, vibration, odor, smoke, glare, electronic interference, fire hazard, or any other hazard or nuisance to any greater degree or more frequent extent than that normally experienced in an average residential structure in the zone in which located.
4. The home occupation use must satisfy the home occupation parking requirements in addition to the residential parking requirements.

I. Hotel, Motel, Botel, Cabins, Cottages, etc.

1. Hotels, motels and botels are principal commercial uses. Cabins and cottages may be considered as commercial uses or accessory commercial uses to a principal residential or commercial use.
2. Efficiency unit includes a food preparation area serving only that unit. If the occupant of the unit is in residence for more than 6 months, the unit must meet the minimum lot size requirements under Multi-Unit Residential.

J. Marina Development

The land use of this development shall comply with the applicable land use structure and performance standards. The water use shall satisfy the applicable standards and an opinion shall be requested from the Harbor Committee. Marina permit applications must contain the following information for referral to the Harbor Committee:

1. A storm evacuation plan;
2. A plan and/or documentation demonstrating the integrity of the proposed docks during storms;
3. A harbor traffic impact study; and

4. An overlay of the chart, showing the relationship of this facility to its abutters, detailed moorings in the area and those required for the proposal, and the rigging for securement purposes.

K. Maritime Activities not Located on Land

Those activities which have their principal use not located on land must have their accessory uses which are on land comply with the applicable land use and structure standards of the zone in which they are located and the performance standards.

L. Mineral Exploration and Extraction

1. Mineral exploration to determine the nature or extent of mineral resources, which shall be accomplished by hand sampling, test boring or other methods which create minimal disturbance of less than 100 sq.ft. of ground surface shall not need a permit.
2. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitation.
3. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.
4. Mineral extraction may be permitted under the following conditions:
 - a. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph d below.
 - b. Mineral exploration and extraction shall conform with the Erosion and Sedimentation Control and Storm Water Runoff Standards contained within this Ordinance.
 - c. No part of any extraction operation, including drainage and runoff control features shall be permitted within 100' of the normal high-water line of a great pond and within 75' of the NHL of any other water body, stream, or the edge of a wetland unless authorized pursuant to the NRPA. Extraction operations shall not be permitted within 75' of any property line, without written permission of the owner of such adjacent property.
 - d. Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cu.yds. of materials are removed in any consecutive 12 month period, ground levels and grades shall be established in accordance with the following:
 - 1) All debris, stumps and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. (Note: The State of Maine Solid Waste Laws, Title 39, M.R.S.A., Section 1310 and Chapter 404 of the DEP's regulations may contain other applicable provisions regarding disposal of such materials.)
 - 2) The final graded slope shall be 2:1 slope or flatter.
 - 3) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

M. Mobile Home Park

1. Within 250' of the normal high-water line of any water body or edge of a wetland, the lot standards of each Zone must be met.
2. Beyond the 250' shoreland boundary, the standards are as follows:
 - a. Park lot size:
The area reserved for road rights-of-way, the area for buffer strips plus the area of all mobile home park lots.
 - b. Lot size:
Unsewered: Individual on-site subsurface septic system -20,000 sq.ft.
Unsewered: central on-site waste water system -12,000 sq.ft. (the gross density of the park must be 20,000 sq.ft./lot)

N. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Any permanent or seasonal "temporary" structure or use extending over or beyond the normal high-water line of a water body or within a wetland shall require a permit from the Planning Board subject to the following standards. Permanent structures projecting into or over water bodies shall also require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act and from the Army Corps of Engineers; seasonal "temporary" structures require a permit only from Army Corps. The Army Corps does not regulate structures on lakes.
2. Standards
 - a. Access from shore shall be developed on soils appropriate for such uses and constructed so as to control erosion.
 - b. The location shall not interfere with developed beach areas.
 - c. The facility shall be located so as to minimize adverse effects on fisheries.
 - d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
 - e. No new structure shall be built on, over or abutting a pier, dock, wharf or other structure extending beyond the NHL of a water body unless said structures require direct access to the water as an operational necessity. These permitted structures shall not exceed 20' in height above the pier, wharf, dock or other structure.
3. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the NHL of a water body or within a wetland shall be converted to residential dwelling units in any district.

O. Pond, Manmade

1. All manmade ponds shall be considered a structure and shall conform to the standards appropriate for each district.
2. All ponds must conform to DEP Natural Resource Protection Act standards.

P. Timber Harvesting

1. Resource Protection Zone Abutting a Great Pond

There shall be no timber harvesting, except to remove safety hazards, within the strip of land extending 75' inland from the normal high-water line.

2. Shoreland Zones Abutting Other Water Bodies

Except in Resource Protection Zones abutting great ponds, selective cutting of no more than 40% of the total volume of trees 4" or more in diameter measured at 4-1/2' above ground level on any lot in any 10-year period is permitted with the following conditions:

- a. Within 100' of the normal high-water line of a great pond and 75' of the normal high-water line of other water bodies, streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - b. At distances greater than 100' of the normal high-water line of a great pond, and greater than 75' of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than 10,000 sq.ft. in the forest canopy. Where such openings exceed 5,000 sq.ft., they shall be at least 100' apart. Such clear-cut openings shall be included in the calculation of total volume removal.
3. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.
 4. No accumulation of slash shall be left within 50' of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than 4' above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
 5. Timber harvesting equipment shall not use stream channels as travel routes except when surface waters are frozen and the activity will not result in any ground disturbance.
 6. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which composed of gravel, rock or similar hard surface would not be eroded or otherwise damaged.
 7. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

8. a. Except for water crossings, skid trails and other sites where the operation of machinery results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75' in width for slopes up to 10% shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland.
- b. For each 10% increase in slope, the unscarified strip shall be increased by 20'. The provisions of this paragraph apply only to a face sloping toward the water body, or wetland, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25' from the normal high-water line of a water body

Q. Business Uses:

The standards in this subsection apply to business establishments with hours of operation open and/or available for public access and use extending into the period between 10:00 pm and 4:00 am.

EXCEPTION: This subsection does not apply to rental of residential buildings and/or dwelling units including but not limited to, bed and breakfasts, inns, and campgrounds.

Standards:

1. Road Safety
 - a. Entrance(s) to the business shall intersect only Routes 102 or 102A.
 - b. Entrance(s) may not be grandfathered. All entrances must meet current Maine DOT technical standards.
2. Sound Attenuation
 - a. Buildings containing businesses having amplified sound shall be constructed of materials designed to reduce sound transmission. Walls and ceilings shall meet or exceed a Sound Transmission Class of 60. Sound attenuating structures shall be designed and certified by a Licensed Architect or Licensed Professional Engineer.
 - b. Buildings having amplified sound shall not be operated with doors, windows, sky lights, ventilator openings or other wall or ceiling penetrations in a fixed open position which will allow unattenuated transmission of sound to the outside.
 - c. Amplified sound shall be generated only within the building(s) conforming to the standards in paragraphs 2a and 2b of this subsection.
3. Light Attenuation
 - a. Direct or indirect (glare or reflection) illumination shall not exceed 0.6 foot-candle upon abutting residential properties or 1.0 foot-candle upon any other abutting properties. For purpose of this paragraph, abutting properties shall include properties that are separated from the lot by a street, road, or right-of-way. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by or do not create or constitute a hazard or nuisance to motorists, pedestrians, or neighboring residents and so that the maximum apex angle of the cone of illumination is restricted to one hundred fifty degrees (150°).
 - b. The maximum height of freestanding lights shall be the same as the principle building but not exceeding twenty-five feet.
 - c. Spotlight-type fixtures attached to building are not allowed.
 - d. Parking area may be illuminated with a maximum average of 1.5 foot-candles.
 - e. Exterior lighting, except for minimal security lighting, shall be turned off during hours when the use is not in operation.
4. Visual Buffering

The desired effect of these types of buffering is complete visual screening of the activity on the lot.

- a. The business use, including all buildings and parking areas, shall be enclosed by a perimeter of landscape buffering composed of one or more of the following:
 - Natural features such as topography, stands of trees, shrubbery, or rock outcrops. When such natural features do not exist, or are insufficient to provide the required screening, other kinds of screening defined in this section must be provided.
 - Evergreen trees planted in two staggered rows (spaced a maximum of 7 feet apart) spaced a maximum of 8 feet on-center. All screening trees shall be installed at a minimum height of 5-6 feet and have a minimum expected mature spread of 8 feet.
 - An earthen berm topped by evergreen plantings. The berm shall be a minimum of 5 feet high. Evergreen plantings shall be installed at a minimum height of 3-4 feet, spaced a maximum of 4 feet on-center, and have a minimum expected mature spread of 6 feet.
 - If, due to soil conditions or other factors, that would make installation of plantings impractical, the applicant may, at the discretion of the Planning Board, install suitable fencing a minimum of 8 feet in height.
- b. Buffers shall be located and maintained as follows:
 - All buffer strips shall be maintained in a neat and sanitary condition by the owner.
 - If any of the trees, shrubs, or other plantings constituting the buffer should die, the owner of the property shall replace them within six months at a ratio of one-to-one for each tree, shrub, or planting loss. The replacement plantings shall be comparable in size to those that had died or meet the minimum criteria specified in paragraph 4a of this subsection.
 - Fencing and screening shall be durable and properly maintained at all times by the owner.
 - The finished side of all fences shall face the abutting properties or the public road.
- c. All buffers shall be installed in accordance with the requirements specified in paragraph 4a of this subsection before commencement of the normal activities of the use for which the site was intended. If winter conditions prevent the installation of plantings, activities at the site may commence but installation of plantings shall proceed at the earliest opportunity in the immediately following spring and be completed by July 1 of the same year.

SECTION VI. PERFORMANCE STANDARDS

A. Buffering Standards

1. Purpose: To screen buildings or activities land uses that could create nuisances, to divert, block or soften lights, to reduce noise, to preserve privacy; and to reduce smells and dust. The depth of the screen and the nature of the planting required will depend upon the potential impact of a development on its neighbors. Among the factors to be considered are the number of parking spaces, the type and number of vehicles which may use the premises, and the likely frequency or intensity of use and the sheer size of very large buildings, such as storage sheds.
2. Every development shall provide sufficient buffering when the Planning Board determines that there is a need and the topography and other barriers do not satisfy the requirements.
3. Buffers are required within side and rear property lines of commercial, industrial, mobile home parks that are more dense than would be required for single family residential use and multi-family uses which abut residential or vacant properties in all zones that allow such uses. In addition, buffers are required within the front property lines of heavy commercial, heavy industrial and multi-family uses.
4. Minimum requirement: The buffer may consist of any combination of the following as long as the end result meets the performance standard.

- a. effective natural area 25' deep;
 - b. planted evergreen belt 15' deep;
 - c. wooden fence.
5. Plant specifications: The natural area or planted belt shall be of sufficient number and species selected and planted according to generally accepted horticultural practices, to yield an effective year-round screen within 4 years. A wooden fence, berm, wall or other such construction may be included in such buffers if the Planning Board determines that it meets the performance standard.
 6. Maintenance: Plantings shall be maintained by the property owner.

B. Clearing of Vegetation for Development Standards

1. Resource Protection Zone

a. **Buffer Strip**

Within a shoreland area abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75' inland from the normal high-water line.

- b. Elsewhere, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in the Resource Protection Zone.

2. Rest of the Shoreland Zones - **Buffer Strip**

A strip of land extending 100' inland from the normal high-water line of a great pond and 75' from any other water body, stream, or the upland edge of a wetland, shall be preserved as a buffer strip of vegetation, except to allow for the development of permitted uses, according to the following rules:

- a. There shall be no cleared opening greater than 250 sq.ft. in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10' in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond or stream the width of the foot path shall be limited to 6'.
- b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. Adjacent to water bodies, tributary streams and wetlands, a "well-distributed stand of trees and other vegetation" shall be defined as maintaining a minimum rating score of 8 per 25' square area.

Diameter of Tree at 4-1/2'

Above Ground Level (inches)

Points

2 - 4 inches	1
> 4 - 12 inches	2
> 12 inches	4

No more than 40% of the total volume of trees 4" or more in diameter, measured 4-1/2' above ground level, may be removed in any 10 year period.

- c. In order to protect water quality and wildlife habitat adjacent to great ponds and streams, existing vegetation under 3' in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses.

- d. Pruning of tree branches, on the bottom 1/3 of the tree, is permitted.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
3. **Rest of Shoreland Zones- Areas Beyond the Buffer Strip Within 250' of the Normal High-water Line**
- a. At distances greater than 100' from the normal high-water line of a great pond and 75' from the normal high-water line of any other water body, stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any 10-year period, selective cutting of not more than 40% of the volume of trees 4" or more in diameter, measured 4-1/2' above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation.
 - b. In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or 10,000 sq.ft., whichever is greater, including land previously developed. This provision shall not apply to the Commercial Fisheries/Maritime Activities Zone.
- 4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
 - 5. Fields which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of this section.

C. Cluster Development Standards

- 1. The purpose of this development option is to allow an alternative zoning provision which provides for desirable and proper open space, tree cover, recreation areas or scenic vistas, all with the intent of preserving the natural beauty of the site. At the same time, the necessary maximum dwelling unit density limitations of the particular zone will be maintained.
- 2. Cluster development shall apply only to residential development and no clustered development shall exceed 40 units, with a maximum of 10 units in a cluster.
- 3. For a cluster development in which individual lots will be created or conveyed, the developer may reduce the minimum lot size requirements of the zone in which the development is located provided that the total area of common open space within the development equals or exceeds the sum of the areas by which any individual lots are reduced below the minimum lot size normally required in that zone. When individual lots will not be created or conveyed, the total land area within the development shall equal or exceed the total area required within the zone for the number of dwelling units to be created. Land not utilized for buildings, roads or accessory structures shall be preserved as common open space.
- 4. All structures subject to setback requirements of this Ordinance shall be set back the required distance from the lines of the parcel being developed as well as the lines of the individual lots and such requirements shall not be reduced except pursuant to a duly granted variance. When individual lots will not be created or conveyed and all land will be commonly owned, no buildings within the development shall be closer to one another than twice the distances set forth in the setback requirement of the zone in which the lot is located. No building may be closer to any road created by the developer than the setback requirement of the zone.

5. For a cluster development in which individual lots will be created or conveyed, the developer may increase the maximum lot coverage on the individual lots provided that in no event shall lot coverage of non-vegetated surfaces exceed 90%; and provided further that the combined coverage of the lots being developed, including any common open space, shall not exceed the maximum lot coverage set forth for the zone in which the lots being developed is located. When individual lots will not be created or conveyed and all land will be commonly owned, the maximum lot coverage for the lot being developed shall not exceed the maximum lot coverage set forth for the zone in which the lot is located.
6. For a cluster development in which individual lots will not be created or conveyed and in which all land will be commonly owned, each residential building shall have such access to a public road, or to a private road giving access to a public road, as will reasonably ensure access to the building by emergency vehicles and as to provide for the safe passage and circulation of pedestrian and vehicular traffic.
7. In any cluster development there shall be maintained as common open space an area of land equal to or greater than the open area that would otherwise remain in the development if individual lots of the minimum size required in the zone were created and if said lots were each built upon to the maximum lot coverage allowed in the district. Further development of the common open space, except for easements for utilities, shall be prohibited by deed restrictions or recorded easements. All common open space shall be shown on the development plan with appropriate notation.
8. Private ownership of open space. It shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.
9. The developer shall present the Planning Board with proposed language for incorporation into deeds, recorded plans and declarations designed to ensure the integrity, protection and maintenance of the common open space. Such language shall be subject to the approval of the Town Attorney to be sure it will accomplish its intended purposes. The developer will comply with all reasonable requests of the Town to incorporate such language in appropriate documentation to ensure the purposes of this section will be met. Any violation of the conditions is a land use violation enforceable by the CEO.
10. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common open space.
11. All dwelling units shall be connected to a common water supply and distribution system unless the developer clearly demonstrates to the Planning Board that:
 - a. adequate ground water is available at all locations proposed for individual water systems; and
 - b. the groundwater source(s) proposed for individual water systems is safe from both on-site and off-site contamination.
12. All structures with required plumbing in the development shall be connected to a private central collection and treatment system or individual septic systems in accordance with minimum standards set forth in the State of Maine Plumbing Code. The developer shall clearly demonstrate to the Planning Board that:
 - a. adequate soils and land area are available at all locations proposed for the central system and/or to the individual septic systems;
 - b. the proposed system(s) shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development; and

- c. the proposed system(s) shall in no way endanger ground water supplies which will be utilized by any proposed common or individual water system in the cluster development.
13. When a private central collection and treatment system is to be utilized, the developer must produce an engineering study to show there is adequate soakage capacity available for the number of units involved.
14. The developer or subsequent owner shall not create any dwelling units in excess of the number originally granted site plan approval unless said developer or owner receives approval from the Planning Board for a revised plan.

D. Erosion and Sedimentation Control Standards

1. The Planning Board shall require that all activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit have a written soil erosion and sedimentation control plan. That plan shall include, where applicable, provisions for:
 - a. Mulching and re vegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or rip rap.
2. Development shall be designed to fit with the topography and soils of the site, so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural; contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within 1 week from the time it was last actively worked, by use of rip rap, sod, seed and mulch or other effective measures. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least 1 bale per 500 sq.ft. and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - b. Additional measures shall be taken where necessary in order to minimize siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

E. Fill and Excavation Standards

A separate fill or excavation permit is required for the moving of 100 cu.yds. or greater of inert fill if the operation is not associated with permitted construction. Upon completion of work, the permit shall require the site to be properly graded (not steeper than 1:2, or such lesser slope as may be necessary to prevent erosion) and to be revegetated.

F. Fire Protection Standards

Plans for transient accommodations, marinas, nursing homes, convalescent centers, multi-family developments, hospitals, schools, theaters, mercantile developments over 3000 sq.ft., business occupancy of 2 or more stories, etc. shall be approved by the State Fire Marshall's Office.

G. Flood Hazard Area Standards

A Flood Hazard Development Permit must be obtained from the Planning Board before any change caused by individuals or entities to improved or unimproved real estate begins within any areas of special flood hazard identified on the Federal Insurance Rate Maps (FIRM) for Tremont.

(Including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities; and the placement of manufactured homes.)

H. Parking Standards

1. Standards:

- a. If the applicant demonstrates to the Planning Board that the proposed project will not have an adverse impact on parking congestion in the area, the Board may waive the parking standards, except within 250' of any water body or the upland edge of any wetland. Otherwise, any additions, modifications or change in use will require compliance with the parking standards for the existing use, the addition and/or modification, or the change in use. Those land uses which are unable to comply with the above will provide as much of the parking and loading for the existing use as they can, and all the additional parking and loading required by the addition, modification or use change.

EXCEPTION: All marinas must provide actual .75 parking stalls/boat slip and mooring. Grandfathered parking is prohibited. Other uses on the site shall meet their own parking requirements. Dedicated drop-off areas are required at the dockside at the rate of 1/20 slips and moorings.

- b. Parking space shall be provided in accordance with the following standards:

- 1) The minimum parking bay shall be 9-1/2' by 18'.
- 2) Aisle width: 24' two way
16' one way only for 60 degree parking
12' one way only for 45 and 30 degree parking
- 3) Space required by use:

Dwellings:
Single family unit - 2/family unit
Additional family unit - 1/family unit
Multi-family units - 2/unit

Health Institutions:
1/3 beds and 1/2 employees

Hotels, inns, cabins, cottages, etc.:
1/1 sleeping room plus 1/2 employees

Maritime activities - commercial and recreational:
.75/slip and/or mooring and 1/2 employees

Maritime activities - industrial:
1/2 employees

Offices and public buildings:
1/200 sq.ft. of gross floor area

Restaurants, other eating and drinking establishments:
1/4 seats and 1/2 employees

Retail stores:
1/200 sq.ft. of floor area used for retailing - not storage

Schools:
1/classroom and 1/4 employees

Theaters, churches and other assembly places:
1/200 sq.ft. of gross floor area

Warehouses and storage facilities:
1/employee plus loading bay

- c. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

2. Site Layout

- a. Provision shall be made for providing and maintaining convenient and safe emergency vehicle access at all times.
- b. Parking shall be arranged so that vehicles do not back into the street.
- c. All driveway entrances and exits shall be kept free from visual obstructions higher than 3' above street level for a distance of 25' measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.
- d. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than 6' in height and 15' in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
- e. Shade trees - Any parking lot with 10 spaces shall require 1 tree, 20 spaces requires 2 trees, etc. in increments of 1 tree/10 spaces. (This is to be applied to parking spaces already in existence at the time of this amendment - May, 1992 -if the lot is expanded.)

- f. Off-street/off-site parking shall be considered accessory to the principal use and shall be permitted only when parking requirements cannot be met on-site. The following criteria shall apply to an off-site area:
 - 1) All of the requirements for an on-site parking area.
 - 2) The distance between the proposed off-site parking area must be a reasonable and convenient distance for the proposed user.
 - 3) The proposed access route between the off-site parking area and the site must provide for safe pedestrian and vehicle traffic.
 - 4) Drop-off areas shall be provided at the site and the off-site parking area.
- g. Parking spaces shall be provided for use at the same time the building is ready for use.
- h. Parking areas shall meet the shoreline setback requirements for structures for the zone in which such areas are located, except that in the Commercial Fishery/Maritime Activity Zone parking areas shall be set back at least 25' from the normal high-water line. The setback requirement for parking areas serving public boat launching facilities, in zones other than the Commercial Fishery/Maritime Activity Zone, may be reduced to no less than 50' from the normal high-water line if the Planning Board finds that no other reasonable alternative exists.
- i. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

I. Roads, Driveways and Driveway Openings Standards

1. Any public road requiring acceptance by the Town shall be designed and constructed to the specifications of the Road Ordinance of the Town of Tremont.
2. Any road not requiring acceptance by the Town shall be designed and constructed to the following standards:
 - a. Design standards:

Minimum right-of-way	30'
Minimum grade	0.5%
Maximum grade	10%
Minimum tangent between curves of reverse alignment	100'
Minimum angle of road intersection	60 deg.
Maximum grade at intersection (within 50' of intersection)	3%
Minimum sight distance	150'
Minimum radii of intersection	30'
3. a. Roads and driveways shall be set back at least 100' from the normal high-water line of a great pond and 75' from the normal high-water line of other water bodies, streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board.

EXCEPTION: If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50' upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

- b. On slopes of greater than 20% the road and/or driveway setback from the normal high-water line shall be increased by 10' for each 5% increase in slope above 20%.
 - c. This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.
4. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
5. No part of any driveway or road shall be located within a minimum of 6' of a side property line. The Planning Board may permit:
 - a. a driveway serving adjacent sites to be located within the 6' area of the side property line between the adjacent sites; and
 - b. a driveway or road which does not meet these standards if the lot frontage prohibits compliance.
6. A road opening permit must be obtained from the Town for any driveway or road opening onto a Town road; a highway entrance and road opening permit must be obtained from MDOT if the driveway or road opens onto a State road.
 - a. The Town road must be returned to its original condition upon completion of the driveway opening construction.
 - b. Specifications for the required storm water drainage culvert size are contained in the Road Ordinance of the Town of Tremont.
 - c. The Code Enforcement Officer shall be notified of the date of construction of the driveway or road opening.
7. Road banks shall be no steeper than a slope of 2 (horizontal): 1 (vertical), and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection D. above.
8. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed and maintained to empty onto an unscarified buffer strip at least 50' plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
9. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

Road Grade %	Spacing in feet
0 - 2	250
3 - 5	200 - 135
6 - 10	100 - 80

Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

10. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
11. New roads and driveways are prohibited in a Resource Protection Zone except to provide access to permitted uses within the zone, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the zone, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, stream or upland edge of a wetland.
12. When the Town posts roads restricting allowable weight over them, the maximum weight allowed shall be 23,000 pounds. It shall be a violation of this Ordinance to use larger vehicles and any damage to the roads shall be borne by the violator.

J. Septic Waste Disposal Standards

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules) and the following:
2. The Rules, among other requirements, include:
 - a. The minimum setback for new subsurface sewage disposal facilities systems, shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
 - b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.
 - c. The following minimum setbacks from the Maine State Plumbing Code shall apply:

	Distance in Feet Between	Treatment Tank	Disposal Area
Buildings			
With basements		8	20
Without basements		8	15
Property Line		10	10*

*Sufficient distance shall be maintained to assure that all fill remains on property.

K. Sign Standards

1. Within 250' of the water, signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs do not exceed 6 sq. ft. in area on each side except in the Harbor Zone and Commercial Fishery/Maritime Activity Zone where they cannot exceed 24 sq.ft. The number of signs shall not exceed 2 signs per premise or business. (This number does not include directional signs; i.e., In, Out, Do Not Enter, etc.) Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.
2. Beyond 250', 4 signs/premise or business may be permitted no greater than 24 sq.ft. per sign. Tremont official business directional signs are only allowed within the right-of-way of state or town roads.
3. Name signs shall not exceed 2 signs per premises not to exceed 4 square feet per sign..

4. Residential users may display a single sign not over 3 sq.ft. in area relating to the sale, rental or lease of the premises.
5. Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed 2 sq.ft. in area.
6. Signs relating to public safety shall be allowed without restriction.
7. No free-standing sign shall extend higher than 20' above the ground. No sign attached to a building shall extend higher than the roof line.
8. Signs may be illuminated only by shielded, non-flashing lights.
9. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance. The area of one face of a two-sided sign shall be deemed to be the total area of the sign.
10. A home occupation shall have only one (1) sign and it shall not exceed six (6) square feet.
11. All signs exceeding six (6) square feet require a permit.

L. Soil Standards

1. All land uses shall be located on soils in or upon which the proposed uses structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction.
2. The Planning Board may determine that proposed uses requiring subsurface waste disposal and commercial or industrial development and other similar intensive land uses may require a soils report based on an on-site investigation and may require it prepared by State-certified professionals. (Proposed uses within the State defined 250' shoreland areas are required to submit a soils report.) Certified persons may include Maine certified soil scientists, Maine registered professional engineers, Maine State certified geologists and other persons who have training and experience in the recognition and evaluation of soils properties.
3. The report may be based upon any of the following relevant criteria:
 - a. the analysis of the characteristics of the soil and surrounding land and water areas;
 - b. maximum ground water elevation;
 - c. presence of ledge;
 - d. drainage conditions;
 - e. other pertinent data which the evaluator deems appropriate; and
 - f. the GIS maps of Tremont soils, wetlands and contours in the Town Office.
4. The soils report shall include any recommendations for a proposed use to counteract soil limitations where they exist.

M. Storm Water Runoff Standards

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

N. Water Quality Protection Standards

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.
2. The following activities require a permit under the Natural Resources Protection Act from the Department of Environmental Protection if performed in, on or over any freshwater or coastal wetland, great pond, river or stream, or adjacent* to said natural resources such that material or soil may be washed into them:
 - a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
 - b. Draining or otherwise dewatering;
 - c. Filling;
 - c. Any construction, repair or alteration of any permanent structure.
 - d.

*The DEP has defined "adjacent" to mean any land within the floodway of a river, stream or brook; or any land area within 100' of the normal high-water line or upland edge of a coastal wetland, freshwater wetland, river, stream or brook.

O. Lake Watershed Phosphorous Protection

These provisions shall apply to all proposed development lying within the Seal Cove and Hodgdon Pond lake watersheds as shown on the Tremont Comprehensive Plan, Water and Marine Resources Map. A participant in a permit proceeding wishing to show that the location of the proposed activity is, or is not, in fact within one of the watersheds may rebut the presumption of the accuracy of the watershed map only by the production of clear and convincing evidence, including expert testimony, that the location is, or is not, in fact within the relevant watershed.

The proposed development will be designed to retain an absorbent vegetative buffer of at least 75 feet down slope of any developed area. The Board may require larger buffer areas for slopes exceeding 15 percent.

The following practices and activities are restricted within the buffer, unless approved by the Planning Board:

- Clearing of existing vegetation.
- Soil disturbance by grading, stripping, or other practices.
- Filling or dumping
- Drainage by ditching, underdrains, or other systems.

Refer to the Maine Department of Environmental Protection's manual: "Stormwater Management for Maine: Best Management Practices" for guidance.

The buffer shall be located, designed and vegetated in such a manner as to effectively prevent any channelization of water or measurable amount of sediment from leaving the site, thus minimizing phosphorous runoff. If access must be provided through the buffer area, drainage shall be designed to guide storm water from the accessway into the buffer area to prevent phosphorous runoff.

The property owner shall be responsible for construction and maintenance of the buffer.

The Board may require larger buffer areas or interruption of impervious surfaces of over one acre in extent with buffer areas if necessary to effectively prevent channelization and absorb runoff on site. On non-conforming lots legally created before enactment of this provision, the Board may reduce the size of the buffer proportionally. Alternative measures (e.g., detention ponds) to accomplish this objective may be proposed to the Planning Board for approval

All plats prepared for recording and all right-of-way plats shall clearly:

- Show the extent of any buffer on the subject property.
- Label the “Absorbent Vegetative Buffer.”
- Provide a note to reference any buffer stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Planning Board.”
- Provide a note to reference any protective covenants governing all buffer areas stating: “Any buffer shown hereon is subject to protective covenants which may be found in the Zoning Ordinance and which restrict disturbance and use of these areas.”

All lease or sale agreements must contain a notation regarding the presence and location of absorbent vegetative buffers.

SECTION VII. NON-CONFORMANCE

A. Purpose - It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance and subsequent amendments shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. **Transfer of Ownership:** Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal repair and maintenance of non-conforming uses and structures which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.

C. Non-conforming Structures

1 Expansions:

- a. **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.
 - 1) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
 - (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - (b) Expansion of an accessory structure that is located closer to the normal high-water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - (c) For structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000

square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.

- (d) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all structures is 1,500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line or upland edge of a wetland must meet the floor area and height limits of division (c).

For the purposes of subparagraph (a) a Basement is not counted toward floor area.

- 2) Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in paragraph 2 Relocation, below; that the completed foundation does not cause the structure to be elevated by more than three (3) additional feet.

- b. The addition of an open stone or gravel patio with no structures above ground level shall not constitute an expansion.
- c. The addition of a deck shall constitute an expansion.

2. Relocation:

- a. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal rules (Rules), or that a new system can be installed in compliance with the law and said Rules.
- b. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.
- e. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or replacement:

- a. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, stream or upland edge of a wetland and which is removed, or damaged or destroyed
 - 1) by more than 50% of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

- 2) by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place within one year of the date of said damage or destruction with a permit from the CEO.
- b. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, the type and amount of vegetation to be removed to accomplish the relocation and the physical condition and type of foundation present, if any.
- c. Any non-conforming structure which does meet the water setback requirement and which is removed, or damaged or destroyed, may be reconstructed or replaced within one year of the date of said removal, damage or destruction provided that the reconstructed or replaced structure conforms to all height, lot coverage and setback requirements to the greatest practical extent as determined by the Planning Board. In determining whether the building reconstruction meets the Ordinance requirements to the greatest practical extent, the Planning Board shall consider the criteria in section b. above.

4. Change of Use of a Non-conforming Structure

- a. The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.
- b. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to water, natural beauty, floodplain management, archeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. **Non-conforming Uses**

1. Expansions:

Subject to the following conditions, a non-conforming use may be expanded in compliance with the structure and performance standards of this Ordinance. The conditions are:

- a. Such addition or enlargement may not increase the total volume or area in use by more than 30% of the volume or area existing at the time of passage of this Ordinance, or subsequent amendment.
- b. If the expansion is in a non-conforming structure, the expansion must conform with the exception in C.1.a. above.
- c. The Planning Board shall require written certification of the area and volume of the use at the time the use became non-conforming.

2. Resumption Prohibited:

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board, may, for good cause shown by the applicant, grant up to a one year

extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding 5-year period.

3. Change of Use:

An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to the following criteria: the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to water, natural beauty, floodplain management, archeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

E. **Non-conforming Lots:**

1. Vacant lots: A vacant non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size can be met.
2. Built Lots: A non-conforming lot of record that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions:
 - a. Structures may be repaired or maintained, and may be enlarged in conformity with the standards of this Ordinance.
 - b. If the proposed enlargement cannot meet the dimensional requirements of this Ordinance, a variance may be requested from the Board of Appeals.
3. Contiguous Built Lots:
 - a. If 2 or more contiguous lots are in single or joint ownership and if all or part of the lots do not meet the dimensional requirements of this Ordinance, or subsequent amendment of this Ordinance, and if a principal use or structure existed on each lot, at the time of adoption of this Ordinance or subsequent amendments thereto, the non-conforming lots may be conveyed, separately or together, provided that the State Subsurface Wastewater Disposal Rules are complied with.
 - b. If 2 or more principal uses or structures existed on a single lot of record, the lot shall not be divided in a manner that creates a non-conforming lot(s) or causes a non-conforming lot to become more non-conforming.
4. Contiguous Lots - Vacant or Partially Built: If 2 or more contiguous lots are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

SECTION VIII. PERMIT APPLICATION AND REVIEW PROCEDURE

A. Permit Applicability

No building, structure or land shall hereafter be used or occupied; no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, altered to change the use, or demolished; no use will be changed; no new lot shall be created for a building, structure or activity; and no new land use activity as defined in Section V shall occur, except in conformity with all of the regulations herein specified for the zone in which it is located and the relevant performance standards, unless a variance is granted. A permit shall be obtained from the appropriate review authority.

B. Review Authority

1. The Code Enforcement Officer:

- a. All single family residential construction;
- b. Commercial additions 100 sq.ft. or less;
- c. Alteration of a residential or commercial building or structure which affects its footprint, height or location;
- d. Temporary structures in conformance with the provisions of this Ordinance for up to 7 months;
- e. Placement of signs;
- f. Timber harvesting in shoreland zones;
- g. Clearing of vegetation for approved construction in the shoreland zones (unless such activity occurs as part of an application for the use);
- h. The moving or excavation of 100-500 cu.yds. of inert fill; or
- i. Residential driveways.

2. The Planning Board

- a. All new multi-family residential construction;
- b. Home occupation/profession;
- c. All new commercial buildings, and additions greater than 100 sq.ft.;
- d. Industrial, Government and Institutional activities;
- e. Mineral extraction including sand and gravel;
- f. Agriculture and Aquaculture;
- g. Campgrounds;
- h. Marinas;
- i. Piers, docks and wharves, etc.;
- j. Road and commercial driveway construction;
- k. Parking facilities;
- l. Essential services;
- m. Filling or other earth-moving activity of more than 500 cu.yds.;
- n. Any change of use; and
- o. Any other activity not designated above.

C. Plumbing Permit Required Prior to Building Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities or an increase in the number of bedrooms unless a permit has been secured from the Local Plumbing Inspector by the applicant or his or her authorized agent, according to the requirements of this Ordinance. The subsurface wastewater disposal system application approved by the site evaluator and the Plumbing Inspector must be included.

D. Permit Application Submission Procedure

1. Filing of Application:

Every applicant for a permit shall submit a written application, on a form provided by the Town, to the appropriate official as indicated in Section B. 1. and 2. above. Each plan must include a scaled site plan. The Selectmen reserve the right to set an application fee from time to time reflecting the costs to the Town.

a. Review by the **Code Enforcement Officer:**

- 1) The original form and one copy shall be submitted with the plans for the project.
- 2) The original application shall be retained by the Town and filed with a copy of the permit; the copy of the application will be returned with the original of the permit to the applicant.

b. Review by the **Planning Board:**

- 1) The original form and nine copies shall be submitted with the plans for the project.
- 2) The original application shall be retained by the Town and filed with a copy of the permit; a copy of the application will be returned with the original of the permit to the applicant.

2. Burden of Proof:

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the standards of this Ordinance. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.

3. Right, Title or Interest.

All applications must be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is the lessee, etc. of the property, then that person shall submit a lease from the owner. If an agent represents the applicant, then both must sign and a letter of authorization must be attached.

4. Upon receiving an application and the appropriate application fee, the Town shall issue a dated receipt of this filing, to the applicant.

5. Completeness of Application:

Within 35 calendar days from the dated receipt, the reviewing authority shall notify the applicant either that the application is a complete or an incomplete application. The decision will be dated and copies issued to the applicant.

- a. If an application is deemed to be incomplete, the additional material needed to make the application complete shall be specified to the applicant in writing.
- b. The applicant will have 30 calendar days to return with the specified material to make the application complete. The reviewing authority shall then determine if the application is complete.
- c. If the applicant is unable to meet the 30 day requirement an additional 30 calendar days may be requested by the applicant to the reviewing authority, who may grant one 30-day time extension for just cause.
- d. If the applicant does not provide the requested material within 30 calendar days or request an extension of time, as noted in c. above, the reviewing authority shall deny the application as incomplete.
- e. If the application is denied as noted in d. above, and if the applicant wishes to continue with the project, an entirely new application must be submitted and reviewed as a separate and new application.

6. Applications for approval under this Ordinance must include evidence that all appropriate local, state and federal agencies have been requested to determine if additional permits must be sought from them. Final approval will be given conditionally upon receipt of these permits if they are required.
7. When the reviewing authority has determined that the application is complete, the date shall be so noted on the application form. A dated receipt may be issued if so requested. An application is pending only after it has been determined to be complete by the reviewing authority.
8. The CEO shall act on completed applications presented to him/her according to the following procedure:
 - a. Within 35 calendar days after the application has been accepted as complete, the Code Enforcement Officer shall send notice of the application by first class mail to all abutting property owners.
 - b. On or after 7 calendar days from the date of notification, the CEO shall approve or deny in writing on the conformity of those uses which he has authority to hear as established in Section X. The CEO may request the advice and concurrence of the Planning Board on any application and shall refer any application to the Planning Board for decision, which in the CEO's judgment requires a public hearing or otherwise requires action by the Planning Board.
9. The Planning Board may conduct a workshop session with the applicant during a scheduled Planning Board meeting and before submission of the completed application.
10. The Planning Board shall act on completed applications presented to it according to the following procedure:
 - a. The Planning Board shall hold a public hearing on the application within 35 calendar days of determination that an application is complete. The Town shall send notice of each public hearing by first class mail to all abutting property owners.
 - b. The applicant or his duly authorized representative shall attend the meeting of the Board to discuss the application.
 - c. The Planning Board shall either approve or deny the application in writing within 35 calendar days of the public hearing or within another time limit as may be otherwise mutually agreed to by the Board and applicant. Applications shall be approved only by majority decision that the proposed use is in conformance with the land use and land use standards of this Ordinance. If the permit is denied, the denial shall include a statement of findings of fact and of reasons in support of the decision. If the permit is approved, the approval may include a statement of findings of fact.

E. Permit Application Review Criteria

1. The Planning Board and the Code Enforcement Officer shall review a completed application and shall grant an approval only if the Board or CEO makes a positive finding that the application complies with the requirements of this Ordinance.
2. The Planning Board/CEO may attach such restrictions or conditions as it deems necessary to insure compliance.
3. If a permit is either approved with conditions or denied, the reasons as well as conditions shall be stated in writing.

4. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the Town is responsible for enforcing.

F. **Modification and/or Amendment to an Approved Permit**

1. The permit shall have been approved within the last year.
2. The modification and/or amendment shall be minor; e.g., an accessory structure, a small addition or modification to the approved structure, under 100 sq.ft., etc.
3. The CEO shall be the permitting authority for the modification and/or amendment. The CEO will request the advice and concurrence of the Planning Board if the modification and/or amendment raises unusual questions or if, in the CEO's judgment, a public hearing should occur.
4. The procedure for a modification and/or amendment shall be the same as for any permit except that the Completeness of Application shall only refer to the modification and/or amendment.

G. **Fees**

1. Each application submitted for review shall be accompanied by a nonrefundable administrative fee of \$15.00.
2. An approved application shall become subject to the following permit fees:
 - a. **New buildings, additions and modifications.**

Residential Structures - 10 cents per square foot of floor area.
Commercial Structures - 20 cents per square foot of floor area.
Minimum charge - \$15
 - b. **Home Occupation** \$15
 - c. **Fill/Excavation permits** \$25 up to 500 yards
\$50 over 500 yards
 - d. **Road/Driveway permits** \$20
 - e. **Change of Use** \$20
 - f. **Sign permits** \$10
 - g. **Commercial towers** \$5 per linear foot
 - h. **Ponds** \$15
3. A minimum \$100.00 or a triple permit fee, (whichever is greater) shall be charged for After-the-Fact permit applications in order to encourage compliance with the Zoning Ordinance. This amount shall be determined from time to time by the Board of Selectmen.
4. All advertising and hearing costs shall be paid by the applicant.

5. The Planning Board reserves the right to obtain an independent evaluation of a proposed development, to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.

H. Issuance of the Building Permit and the Life of the Permit

1. The CEO shall issue a Building Permit upon application approval by the appropriate review authority. Applicant must pick up and pay for this permit before proceeding.
2. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. A new permit must be obtained.
3. The project must be complete within 5 years of the effective date of the permit.
4. A request may be made to the original authorizing authority (Planning Board or CEO) for an extension to the start time or completion time of one year, but not to exceed two extensions.

SECTION IX. APPEALS

A. Board of Appeals Ordinance

1. The Ordinance of the Tremont Board of Appeals establishes their regulations, requirements and procedures. This is available at the Town Office.
2. An appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the CEO or the Planning Board within 30 days of the date of the decision appealed from, and not otherwise. In the event of a written decision, the date of decision is the date of written issuance.

B. The Board of Appeals has the following powers relating to this Ordinance:

1. Administrative Appeal

To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

2. Variance Appeal

To authorize variances upon appeal, within the following limitations:

- a. The establishment of a use otherwise prohibited shall not be allowed by variance.
- b. A variance shall not be granted because of the presence of nonconformities in the district or in an adjoining district.
- c. Except as provided in subsections d. and e. below, variances may be granted by the Board only from the following dimensional requirements: lot area, percent of lot coverage and setback requirements, only where strict application of this Ordinance, or a provision thereof, would cause "undue hardship" to the applicant and his property. (This term is defined in the Board of Appeals Ordinance.)
- d. To hear and authorize a variance not subject to the "undue hardship" criteria to a property owner for the purpose of making that property accessible to a person with a disability who is living on the

property. The Board shall restrict any variance granted solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. To hear and authorize a setback variance subject to Title 30-A, Section 4353 (4-B) which establishes a special "undue hardship" definition for single family dwellings which are primary year-round residences.
- f. Whenever the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed or deeds of ownership in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and provided to the applicant for recording in the local registry of deeds. Variances not recorded within 90 days of final approval of the variance shall be invalid. No rights may accrue to the variance recipient or his heirs, successors or assigns unless and until the recording is made within 90 days.

SECTION X. ENFORCEMENT

A. Nuisances

Any violation of this Ordinance, including any building constructed or altered, any mobile home located or relocated, any new sign, or any fill/excavation operation which violates the provisions of this Ordinance shall be considered a nuisance.

B. Code Enforcement Officer

- 1. It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done; removal of illegal buildings or structures, and abatement of nuisance conditions. The CEO shall require compliance with this written notice. A copy of such notices shall be submitted to the Planning Board, the Town officers and shall be maintained as a permanent record.
- 2. The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
- 3. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

C. Legal Actions

- 1. When the above action does not result in the correction or mitigation of the violation or nuisance condition, the Town officers, upon notice from the CEO, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations

and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

2. The Town officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
3. A decision of the CEO to take enforcement action for violations of this Ordinance or any permit issued pursuant to this Ordinance is not appealable to the Board of Appeals. This Ordinance shall be enforced in accordance with Title 30-A MRSA Paragraph 4452.

SECTION XI. DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following definitions shall apply.

Absorbent Vegetative Buffer – A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream system, lake reservoir, or coastal estuarine area. Alteration of this natural area is strictly limited.

Accessory Structure or Use - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party - A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - The growing or propagation of harvestable freshwater, estuarine or marine plant or animal species.

Bed and Breakfast- An owner-occupied dwelling in which lodging or lodging and meals are offered to guests for compensation.

Campground - A plot of ground upon which two or more campsites are located, established or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for recreational, educational or vacation purposes.

Campsites - Any plot of ground within a campground intended for the occupancy by a recreational vehicle or a camping unit.

Campsite, Individual Private - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas or tent platforms.

Cluster Development - A development approach for residential dwelling units in which building lots shall be reduced in size and buildings sited closer together, usually in groups or clusters, provided the total density does not exceed the density requirements of the zone in which the development is located. The additional land that remains undeveloped must be preserved as open space and recreational land.

Coastal Wetlands - All tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

Commenced - Means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation; nor does it include the installation of streets and/or walkways; nor does it include excavation or erection of temporary forms; nor does it include the installation of accessory buildings.

Commercial Use - The use of lands, buildings or structures, other than a "home occupation," the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units (except by transients).

Detention Pond - An impoundment designed to temporarily store runoff and release it at a controlled rate.

Developed Area - Area in which any of the following activities take place: clearing, grading, excavation, filling, structural development, or the creation of impervious surfaces.

Dimensional Requirements - Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by a bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special educational, vocational rehabilitation or related services.

Driveway - A vehicular access-way less than 500' in length serving residential buildings on 2 lots or less.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only 1 family or person. The term shall include mobile or manufactured homes but not recreational vehicles. Each unit of a multi-family or condominium unit shall be considered a single residential dwelling unit.

Essential Services - Gas, electrical or communication facilities; steam, fuel electric power or water transmission or distribution lines, towers and related equipment; telephone cable or lines, poles and related equipment; gas oil, water, slurry or other similar pipelines; but no buildings necessary to furnish these services.

Expansion of a Structure - An increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of Use - The addition of months to a use's operating season or the use of more floor area or ground area devoted to a particular use.

Family - One or more persons occupying a premises and living as a single housekeeping unit.

Floor Area - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, as measured from the exterior faces of these walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Footprint - Exterior perimeter of a structure

Forest Management Activities - Timber cruising and other forest resources evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities, exclusive of timber harvesting and the construction or creation of roads.

Forested Wetlands - A freshwater wetland dominated by woody vegetation that is 20' tall or taller.

Foundation - The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freshwater Wetland - Freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition, but they do not include forested wetlands.

Functionally Water-Dependent Uses - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great Pond - Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, except where the artificially formed body of water is completely surrounded by land held by a single owner.

Height - The vertical distance measured from the average elevation of the finished grade to the highest point of the roof. This applies to all structures except steeples, silos, water towers and other such structures not intended for human habitation. Filling or excavating for the placement of a building may not be done to circumvent the height limitation.

Home Occupation - Limited to those uses which may be conducted within a residential structure or on the property without substantially changing the appearance or condition of the residence or property.

Hotel, Motel, Botel, Cabins, Cottages, etc. - A building or group of buildings containing rooms which are used or rented for sleeping purposes by transients.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Institutional - A building devoted to public, governmental, educational, charitable, medical or similar purpose.

Lot - A parcel of land whose boundaries have been established by some legal instrument such as a current recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area - The area of land enclosed within the boundary lines of a lot (minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than 2 lots, if the lot has been created since May 12, 1992.)

Lot Coverage - The percentage of covered area to lot area. Covered area is defined as the extent of roofs and decks (including any overhanging structure.)

Manufactured Housing - A structural unit or units designed for occupancy, constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. This includes:

1. Units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with HUD standards (structures transportable in 1 or more sections which in the traveling mode are 14 body feet or more in width and 750 sq.ft. or more in area and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities).
2. Units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with the rules adopted under Title 10, Chapter 957 (structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities).

Marina - A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat repair, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Maritime Commercial Uses – Any one or more than one of the following uses:

1. Marinas
2. Sale, repair, and/or manufacture of boats, ships or vessels
3. Sale, installation, or repair of engines and/or electronic devices commonly used on boats
4. Fabrication, storage and/or repair of fishing equipment
5. Commercial and/or recreational fishing and/or shellfish
6. Processing and/or sale of finfish and/or shellfish
7. Manufacture and/or sale of ice, bait and/or nets
8. Boat charters and/or excursions
9. Maritime museums and /or aquariums

Stand-alone boat storage facilities are not a maritime commercial use.

Market Value - The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Minimum Lot Width - The closest distance between the side lot lines of a lot.

Mineral Exploration - Hand sampling, test boring or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction - Any operation within any 12 month period which removes more than 100 cu.yds. of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed, away from the extraction site.

Mobile Home Park - A parcel of land under unified ownership approved by the Town for the placement of 3 or more manufactured homes.

Mobile Home Park Lot - The area of land on which an individual home is situated within the park and which is reserved for use by the occupants of that home.

Mobile Home Subdivision or Development - A parcel of land approved for the placement of manufactured houses on individually owned lots under the Subdivision Ordinance of the Town of Tremont.

Multi-Unit Residential - A residential structure or structures having two or more dwelling units in the aggregate on a single lot, provided that no structure shall contain less than two dwelling units or more than ten dwelling units.

Non-conforming Lot - A single lot of record which, at the effective date of adoption or amendment of this Ordinance, did not meet the area, frontage and/or width requirements of the district in which it is located.

Non-conforming Structure - A structure which does not meet any one or more of the following dimensional requirements: setback, height or lot coverage; but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - The use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal High-Water Line (NHL) - That line which is apparent from visible markings, changes in the vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

100-Year Flood - The highest level of flood that, on the average, is likely to occur once every 100 years; i.e., that has a 1% chance in any year.

One and one-half (1-1/2) Story Structure - A structure whose outside walls extend above 1 story and less than 2 stories.

One (1)-Story Structure - A structure which has all its living quarters on the ground floor.

Person - An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Plat - A plan or map showing land ownership, boundaries, and subdivisions with descriptions.

Principal Structure - The structure in which the primary use of the lot is conducted.

Privy - A pit in the ground into which human excrement is placed.

Public Facility - Any facility, including but not limited to, buildings, property, recreation areas and roads, which are owned, leased or otherwise operated, or funded by a governmental body or public entity.

Recent Flood Plain Soils - Recent flood plain soils include the following soils as described and identified by the National Cooperative Soil Survey:

Alluvial land	Hadley silt loam
Limerick silt loam	Ondawa fine sandy loam
Podunk fine sandy loam	Rumney fine sandy loam
Saco silt loam	Suncook loamy sand
Winooski silt loam	

Recreational Vehicle - A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, or must be registered with the State Division of Motor Vehicles.

Replacement System - A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Rip rap - Rocks, irregularly shaped, and at least 6" in diameter, used for erosion control and soil stabilization, typically used on ground slopes of 2/1 or less.

Road - A vehicular way giving access to any non-residential use, or to residential buildings on more than 2 lots or which is more than 500' long.

Salt marsh - Areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass and Sago pondweed.

Salt meadow - Areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Setback - The minimum horizontal distance from the normal high-water line, lot lines, the road, parking space or other regulated object or area to the nearest part of a structure.

Shore frontage - The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water line elevation.

Sound Transmission Class - A numerical rating of the ability of a wall, floor/ceiling assembly or any other building element such as a door or window to minimize sound transmission

Stream – “River, stream or brook” means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

- A. It is depicted by a solid or broken blue line on the most recent edition of the US Geological Survey 7.5-minute series topographic map or, if that is not available, a 15 minute series topographic map.
- B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

“River, stream or brook” does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite disks but excludes paving, signs and flagpoles. Incidental detached structures, with a footprint of 24 square feet or less not exceeding 4 feet in height, such as residential lawn furniture, picnic tables, bird feeders and water wells are not considered as structures under this definition provided they do not have substantial volume or visual impact.

Subsurface Sewage Disposal System - A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth.

Temporary Structure or Use - A use or placement of a structure for a period of up to 7 months in one year. The land use, structure and performance standards must be satisfied during this period.

Timber Harvesting - The cutting and removal of trees from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Towers, Commercial - Any towers used for communication purposes.

Track - Access formed for brush clearing and such purposes with no stone or gravel material introduced and which does not give access to a separate lot.

Transient - A person staying at a place that does not constitute his or her home or usual dwelling unit for less than 7 days.

Two (2)-Story Structure - A structure in which the outer walls extend to a full 2 stories.

Upland Edge - The boundary between upland and wetland.

Use - A single activity occupying a lot; it may be recreational, residential or any number of commercial activities.

Variance - A reduction on the linear dimensions or area of a lot or setback, and can only be granted by the Board of Appeals.

Vegetation - All live trees, shrubs, ground cover and other plants including without limitation trees both over and under 4" in diameter, measured 4-1/2' above ground level.

Volume of a structure - The volume of all portions of a structure enclosed by roof and exterior walls as measured from the exterior faces of these walls and roof.

Water Body - Any great pond, river, stream or tidal area.

Wetland - A freshwater or coastal wetland.

Wetlands Associated with Great Ponds - Wetlands contiguous with or adjacent to a great pond, and which during normal high water are connected by surface water to the great pond. Also included are wetlands which are separated from the great pond by a berm, causeway or similar feature less than 100' in width, and which have a surface elevation at or below the normal high-water line of the great pond. Wetlands associated with great ponds considered to be part of that great pond.